

IN THE SUPREME COURT OF THE STATE OF DELAWARE

WAYNE COUNTY EMPLOYEES’	§	
RETIREMENT SYSTEM, individually,	§	Nos. 483, 2009
and on behalf of all those similarly	§	
situated,	§	Court Below:
	§	
Plaintiff Below,	§	Court of Chancery
Appellant,	§	of the State of Delaware
	§	
v.	§	C. A. No. 3534-CC
	§	
ROBERT J. CORTI, RONALD	§	
DOORNINK, BARBARA S. ISGUR,	§	
ROBERT A. KOTICK, BRIAN G. KELLY,	§	
ROBERT J. MORGADO, PETER J.	§	
NOLAN, RICHARD SARNOFF, and §		
ACTIVISION, INC.,	§	
	§	
Defendants Below,	§	
Appellees.	§	

Submitted: March 31, 2010

Decided: May 28, 2010

Before **STEELE**, Chief Justice, **BERGER, JACOBS** and **RIDGELY**, Justices, and **JOHNSTON**, Judge,* constituting the Court *en Banc*.

ORDER

This 28th day of May, 2010, the Court, having considered the decision of the Court of Chancery dated July 24, 2009, and the oral arguments and briefs of the parties, has determined that: to the extent the issues raised on appeal are factual, the

*Sitting by designation pursuant to Art. IV, § 12 of the Delaware Constitution and Supreme Court Rules 2 and 4 (a) to fill up the quorum as required.

record evidence supports the trial judge's factual findings; and to the extent that the issues raised on appeal are legal, they are controlled by settled Delaware law, which was properly applied.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Court of Chancery be, and the same hereby is, AFFIRMED.

BY THE COURT:

/s/ Carolyn Berger
Justice